

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6675

BILL NUMBER: HB 1114

NOTE PREPARED: Jan 27, 2014

BILL AMENDED:

SUBJECT: Legend Drug Prescriptions by Optometrists.

FIRST AUTHOR: Rep. Davisson

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: The bill allows optometrists who are certified by the Indiana Optometry Board to administer, dispense, and prescribe certain narcotic drugs, codeine with compounds, and hydrocodone with compounds. The bill repeals a law concerning drug formulary requirements. It makes conforming changes.

Effective Date: July 1, 2014.

Explanation of State Expenditures: *Summary-* The Optometry Board may require an additional meeting(s) in order to establish education and training requirements and a new certificate for controlled substance prescriptions by optometrists. An additional meeting of the Board would cost an estimated \$940. The Optometry Board was scheduled to meet four times during 2013.

The Professional Licensing Agency (PLA) would have to create a controlled substance certificate application for optometrists. The form for the optometrist legend drug certificate is currently available on the PLA's website. It is likely the controlled substance certificate form could be produced and placed on the Optometry Board's website within the existing resources of the PLA.

Explanation of State Revenues: *Summary-* It is unknown how many optometrists may apply for a controlled substance certificate. If a similar number of optometrists with a legend drug permit applied for and received a controlled substance certificate, state revenues could increase by approximately \$27,400 with the fee set at \$20, the same as the current legend drug certificate fee. However, the amount of revenue this certificate may generate would depend on the number of optometrists who successfully acquire a certificate and the fee level set by the Optometry Board. Fees would be deposited into the state General Fund.

As of June 30, 2013, there were 1,370 active optometrist legend drug certificates. When multiplied by the \$20 fee, the active certificate holders would equate to \$27,400.

Penalty Provision: Current law prohibits an optometrist from administering, dispensing, or prescribing legend drugs unless the optometrist is certified to do so. A violation is a Class A misdemeanor. The bill would add that an optometrist may not prescribe nor dispense more than a five-day supply of a narcotic drug, codeine, or hydrocodone to this existing penalty provision. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: Professional Licensing Agency, Optometry Board.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Professional Licensing Agency; *Indiana Handbook of Taxes, Revenues, and Appropriations, FY 2013.*

Fiscal Analyst: Chris Baker, 317-232-9851.